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OFFICE OF PETITIONS

In re Application of
Warren et al.
Application No. 10/660,305
Filed: September 11, 2003
Attorney Docket No. XSB-001
Title of Invention: **METHODS FOR
DETERMINING THE SIMILARITY OF
CONTENT AND STRUCTURING
UNSTRUCTURED CONTENT FROM
HETEROGENEOUS SOURCES**

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: **DECISION REFUSING STATUS**
: **UNDER 37 CFR 1.47(a)**
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This is in response to the petition filed February 23, 2004, under 37 C.F.R. §1.47(a).

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on September 11, 2003, without an executed oath or declaration. Accordingly, on December 5, 2003, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of February 5, 2004.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, exhibits and a partially executed declaration. To make timely a request for a one (1) month extension of time was submitted with the petition.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing

inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

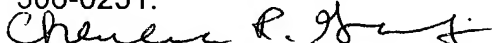
The instant petition does not satisfy requirement (1).

As to item (1), Rule 47 applicant has failed to show that the non-signing inventor refused to sign the declaration after having been presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). The petition states Dr. Davulcu refused to sign off on the declaration. To the extent rule 47 applicant contends that the inventor Davulcu orally refused to execute the application papers, rule 47 applicant should provide evidence which would allow for such a finding.¹ The petition indicates that Davulcu refused on at least two occasions to execute the application papers however evidence to this fact has not been presented. A statement by someone who has first hand knowledge of the refusal should be provided in the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(703) 872-9306
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, Mail Stop Petition Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.


Charlema R. Grant
Petitions Attorney
Office of Petitions

¹Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. See MPEP 409.03